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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,079	10/31/2003	Ziyun Wang	ATMI-594-CIP	1841
23448 7590 04/18/2008 INTELLECTUAL PROPERTY / TECHNOLOGY LAW PO BOX 14329 RESEARCH TRIANGLE PARK, NC 27709				
EXAMINER				
BARTS, SAMUEL A				
ART UNIT		PAPER NUMBER		
1621				
MAIL DATE		DELIVERY MODE		
04/18/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/699,079

Applicant(s)

WANG ET AL.

Examiner

Samuel A. Barts

Art Unit

1621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) 14-17 and 24-31 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-13, 18-23 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S5108)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

EX PARTE QUAYLE

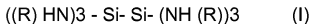
Response to Arguments

1. Applicant's arguments filed 1/14/07 have been fully considered but they are not persuasive. Applicants submit that claim 1 of the '159 patent should be interpreted as all the R substituents of the formula in the claim being the same. Applicants argue that the instant claims expressly exclude this scenario. The examiner does not agree.

Applicant is directed to the statement given in the '159 patent in column 2 lines 16-30.

Applicant states the following:

"The compounds of this invention are
hexakis(monohydrocarbylamino)disilanes with general formula (I).



Each R in (I) is independently selected from C1 to C4 hydrocarbyl. This C1 to C4 hydrocarbyl includes the vinyl group and C1 to C4 alkyl such as methyl, ethyl, propyl, isopropyl, butyl, and tert-butyl. The six R groups in (I) may all be the same or may differ from one another. The six R groups are preferably the same viewed from the perspective of ease of preparation, and within the context of this invention all of the R groups are preferably

ethyl. Thus, hexakis(monoethylamino)disilane is a preferred disilane according to this invention".

Even though the preferred invention in the '159 patent is where each R substituent is the same, it is clear from the phrase, ***"The six R groups in (I) may all be the same or may differ from one another"***, that the contemplated invention was not limited to each R substituent being the same. Applicant is reminded that a claim must be given its broadest interpretation consistent with the specification of the patent. In this case, claim 1 of '159 reads on compounds wherein the R substituents are different. This interpretation of the claims means that claim 1 of the '159 patent is substantially the same as instant claims 1-13 and 18-23. Thus applicant is advised that instant claims 1-13 and 18-23 will be put in to interference with the '159 patent once all formal matters have been settled in this case.

Ex parte Quayle

2. This application is in condition for allowance except for the following formal matters: The application contains claims 14-17 and 24-31 which are directed to an invention non-elected with traverse in the reply filed on 08/31/2006. Applicant is advised to cancel the noted claims or take other appropriate action (37 CFR 1.144). The prosecution of this case is closed except for consideration of the above matter.
3. Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 25 USPQ 74, 453 O.G. 213, (Comm'r Pat. 1935).

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel A. Barts whose telephone number is 571-272-2870. The examiner can normally be reached on 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yvonne Eyler can be reached on 571-272-0871. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Samuel A Barts/
Primary Examiner
Art Unit 1621

SB